

memorandum

DATE: *[Signature]*
REPLY TO: Quin Shea
ATTN OF: *[Signature]*
SUBJECT: Omnibus Appeal Concerning the
Assassination of Dr. Martin Luther King
TO: Doug Mitchell
Faith Burton
Cindy Govan

JUL 27 1978

Attached hereto is a copy of a letter from me to Mr. James H. Lesar, attorney for Mr. Harold Weisberg. As indicated therein, the purpose of this memorandum is to set forth preliminary guidance for the processing of this omnibus appeal.

Our goal in this case is simple -- to ensure that all material that can be released to the general public is released. Although a "knowledgeable requester" under the Freedom of Information Act has no greater entitlement to access than any other member of the public, the expertise of such a requester can be very relevant in determining what in fact can or must be released. This is particularly true when questions under 7(C) or 7(D) are being addressed. For that reason I have reviewed two reports prepared by Mr. Weisberg and have relied on them as primary sources of matters to check out in the course of our review. Copies of these reports will be made available to each of you within the next few days.

Tab A is a list of specific matters I want looked into which go more or less to the question of the general handling of the case by the F.B.I. (to some extent these items may overlap each other, or items on Tab B, but I want each point addressed separately). References are given to pages in Mr. Weisberg's two reports which, in turn, cite to specific sections and serials. Because of his familiarity with the case, I want Doug Mitchell to coordinate the work on these points, most of which should be able to be pursued fairly expeditiously.



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5010-112

At Tab B are lists of specific problems, incidents and persons, again with references to the two reports. In many of these instances it will be necessary to obtain some degree of familiarity with both the persons involved and their roles in the case, as well as their treatment by the Bureau in processing the records. I want Faith Burton to coordinate this aspect of the case. In addressing 7(C) and 7(D) matters, we do have to consider the extent to which the fact that we are dealing with records which, for the most part, are less than ten years old is a relevant factor in making decisions on close questions. To whatever extent that factor is considered by you to be of significance in specific instances, please bring those matters to my attention.

I will be participating in the review process personally to the extent I can and am available to all of you any time you have questions or need interim guidance. To whatever extent it will help us, I will pass specific questions back to Mr. Weisberg to get the benefit of his knowledge of the case.

Last and most important, understand that you are not to limit yourselves to the specific points and instances covered in the Tabs. Using these as starting points, go where your sound professional instincts take you. Although we are interested in the entire file, we should concentrate on the important personages, incidents and evidence to the greatest possible extent. To the extent information in these areas is exempt from mandatory release, the public interest would seem to support release as a matter of discretion in most circumstances. On the other hand, if individuals are entitled to 7(C) or 7(D) protection, we should be careful to ensure they get it, even if the withholding of substantive information is necessary.

Attachments

TAB A

BASIC CONSIDERATIONS

1. FILES PROCESSING, GENERAL: What files, from where, have been reviewed? To what extent have files pertaining in any way to Dr. King not (or not yet) been reviewed?; why not? Give particular attention to any "Hoover" files. To what extent may possibly relevant files not require our attention at this time, by virtue of previous judicial rulings, other pending litigation, the stipulation mentioned below, etc.?

Short Report (SR) 3, 18, 19, 31, 33, 34, 35, 39, 44, 45, 46;
Long Report (LR) 17, 81, 84, 87, 88-89, 95, 103, 142, 149.

2. STIPULATION OF AUGUST 5, 1977: A stipulation (copy attached) was filed in this case on August 5, 1977. Has all processing required by the stipulation been completed?

See SR18, 25, 43, 45.

3. INCONSISTENT PROCESSING: From the briefing we received, it appears that the first major portion of these records was processed in a considerably different fashion than was the latter portion (e.g., handling of agents' names). What were the differences in treatment? To what extent (if at all) has the Bureau satisfactorily reprocessed these records?

See SR3, 23.

4. EXEMPTIONS 2, 3, 5, 6, 7(E) and 7(F): Review again all uses of exemptions 2, 3, 5, 6, 7(E) and 7(F) that can be located without the expenditure of an undue amount of time and effort.

See SR50;

LR13, 15(2), 22, 28, 29(2), 31, 35, 41, 57, 59, 62, 63, 65,
66, 67, 69(2), 77, 84(2), 85, 92, 104, 107-108, 120,
121, 133(2), 136, 138, 140.

5. NON-PROVIDED ATTACHMENTS: The matter of "attachments" that are listed, but have not been provided, is touched on in the stipulation filed on August 5, 1977, and is mentioned many times by Mr. Weisberg. To what extent have all reasonable efforts been made to locate such attachments outside the files reviewed by the Bureau in this case (by requests to other agencies or components of the Department, etc.)?

(continuation of Number 5)

See SR4, 6;
LR7, 8, 9, 11, 12, 16(4), 47-48, 51, 64, 65, 110.

6. RELEASES TO OTHER REQUESTERS: Mr. Weisberg claims that relevant records have been released to other requesters, but not to him. To what extent has this occurred? To what extent is this the result of the stipulation of August 5, 1977? What other explanations can be provided?

See SR48;
LR139, 140.

7. PROSECUTOR'S CASE: Review the matter of the "prosecution's case" index cards and their underlying records (29 sections, with only 25 numbers). Mr. Weisberg claims that the index cards were reprocessed, but that the underlying records have not been. Is this true? Must or should the underlying records be reprocessed?

See SR3.

8. CRANK AND SPITE ACCUSATIONS: Unlike the Rosenberg and Hiss cases, the investigation into the assassination of Dr. King (like that of President Kennedy) seems not to have been particularly sharply focused. In the earlier cases, there was always a connection between an individual being checked out and the subject matter or personages of the cases. We have been told that there were many allegations made to the Bureau in the course of the King investigation where it turned out that either the person making the allegation, or the person about whom it was made, or both, had no connection with the case at all. At least some of these allegations appear to have been motivated by spite, caused by the mental or emotional condition of the person making the allegation, etc. Analyze this aspect of the case and give me your views as to whether there is a reasonably discrete category of persons of this kind where names should not be released on privacy grounds -- because they in fact had absolutely no connection with the case.

9. RELEASES TO OTHER WRITERS: Although we have once addressed the point, review again the matter of any releases by the F.B.I. to other writers (authors or media). Mr. Weisberg seems to claim that Jeremiah O'Leary admitted to him receiving information on this case from the Bureau.

See SR3-4, 40-41;
LR30, 37, 46, 78, 106, 118, 130, 145, 146, 156.

10. REPORTS TO ATTORNEY GENERAL: There are a number of references to twice-daily reports to the Attorney General during the pendency of this investigation. Were these oral or written? If the latter, have copies been released?; if not, why not?

See LR3.

11. AG ORDER TO FBI TO INVESTIGATE MURKIN: Was there ever a written request from the Attorney General to the F.B.I. to investigate MURKIN? If so, has it been released?; if not, why not?

See LR11.

12. REFERRALS: There appear to have been referrals to other agencies and components of the Department of Justice. What is the status of these referrals, as far as we know or can ascertain?

See LR2, 19, 20, 24A, 25, 32, 33, 41, 42, 45, 56, 57, 62,
64, 69, 91, 96, 97, 104, 107, 117, 120-121.

13. LAB-RECORDS/REPORTS: To what extent are any matters (including such "loose ends" as agents' names, etc.) pertaining to laboratory records and reports something with which we need be concerned at this time?

See SR22, 31-32;
LR3, 9, 35A, 163-164.

14. "DUPLICATE" RECORDS: How was the matter of "duplicate" records (e.g., Headquarters and Memphis FO) handled? What were the criteria for determining whether record copies in each

were or were not duplicates which did not warrant double processing? Were any records not processed on the basis that they contained "information" that had been reported to Headquarters (even though physical copies of the same records did not exist in Headquarters files)?

See SR28, 28-29.

15. ADAMS TESTIMONY: On a number of occasions, Mr. Weisberg and I have been promised that he would be provided certain testimony by Associate Director Adams. Please get this material to me as soon as possible for transmission to Mr. Weisberg.

See SR39.

16. LOCAL AUTHORITIES AND RCMP -- 7(D): To what extent was material (information, records or things) furnished either by state or local authorities in Tennessee or by the Canadian Government withheld on the basis of 7(D)? What efforts were made to obtain consent to release this material?

See SR8, 11;
LR26, 39, 42, 63(2), 64, 67, 78, 79, 81, 87, 96, 107,
113, 140, 160.

17. SUPERVISOR LONG: Mr. Weisberg makes a number of references to the fact that "Supervisor Long in the (Bureau's) Civil Rights Unit" kept a tickler on thirty-five different subjects in this case. Please explore and clarify this point for me.

See SR17, 51.

18. EXEMPTION 1 MATTERS: It may well be that the exemption 1 issues actually fall outside what we are reviewing now for this suit. Even if this is true, however, there will obviously be a need at some time comprehensively to review the application of this exemption to King records. Accordingly, please review this area for me in a general way, checking to see if there are records not covered by other pending litigation, etc.

LR10, 12(2), 15, 52, 83, 98-99, 100, 104, 140, 142.

Attachment